

Claims 41-42 and 55 were rejected under 35 U.S.C. 112, second paragraph.

While Applicants respectfully disagree with this formal-type rejection, it is also believed the amendment has been obviated by amendments made herein. For instance, the term "matrix" has been removed from claims 41 and 42 to provide formalized antecedent basis for those claims. The dependency of claims 55 and 56 has been corrected. The Markush format of claim 42 has been further clarified.

In view thereof, reconsideration and withdrawal of the rejection is requested.

Claims 28, 41-43, 46-47 and 50-54 were rejected under 35 U.S.C. 102 over Hammarstrom (EP 0263086).

Claims 28, 41-48, 50-51 and 54-55 were rejected under 35 U.S.C. 102 over Hammarstrom et al. (EP 0337967).

For the sake of brevity, the two rejections over the Hammarstrom documents are addressed in combination. Each of the rejections is traversed.

The cited Hammarstrom documents merely report use of a substance for treatment of acellular cementum and dentin for periodontal therapy. Nowhere does any suggestion exist that any other cells than those present in the formation of acellular cementum should be treated with an active enamel substance.

Thus, the Hammarstrom documents do not disclose use of an active enamel substance for treatment of tissue that is not mineralized and is not periodontal.

In view thereof, the rejections should be withdrawn. See, *In re Marshall*, 198 USPQ at 346 ("[r]ejections under 35 U.S.C. 102 are proper only when the subject matter is identically disclosed or describe din the prior art.").

Claims 28, 41-42, 46-51 and 54-55 were rejected under 35 U.S.C. 102 over Mellonig (Int. J. Peridontics Restorative Dent. article). The rejection is traversed.

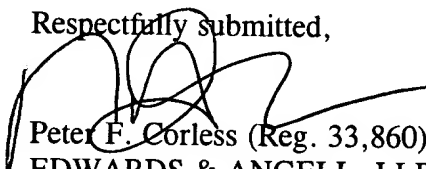
The Mellonig article suffers from deficiencies similar to those discussed above.

Indeed, the entire thrust of the Mellonig article is to periodontal surgery application.

The Mellonig article provides no suggestion of use of an active enamel substance for treatment of tissue that is not mineralized and is not periodontal. Accordingly, withdrawal of the rejection is requested. See *In re Marshall, supra*.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



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### MARKED VERSION TO SHOW CHANGES

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28. (amended) A method for promoting the take of a graft in non-mineralized tissue, the method comprising administering to a mammal in need thereof a prophylactically effective amount of an active enamel substance.

41. (twice amended) A method according to claim 28 wherein the active [matrix] enamel substance is enamel matrix, enamel matrix derivatives, enamel matrix proteins, or mixtures thereof.

42. (twice amended) A method according to claim 28 wherein the active [matrix] enamel substance is selected from the group consisting of enamelines, amelogenins, non-amelogenins, proline-rich amelogenins, amelins and tuftelins, and derivatives [thereof and mixtures] of said substances.

55. (amended) A method according to claim 54 [51] wherein the pharmaceutically or cosmetically acceptable excipient is propylene glycol alginate.

56. (amended) A method according to claim 54 [51] wherein the pharmaceutically or cosmetically acceptable excipient is hyaluronic acid or salts or derivatives thereof.